

DANIEL G. BOGDEN

United States Attorney
District of Nevada

BLAINE T. WELSH

Assistant United States Attorney
Nevada Bar. No. 4790
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
Phone: (702)388-6336
Facsimile: (702)388-6787
Email: Blaine.Welsh@usdoj.gov

DEAN K. DUNSMORE

Environment & Natural Resources Division
U.S. Department of Justice
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: 907 271 5452
Facsimile: 907 271 5827
Email: dean.dunsmore@usdoj.gov

Attorneys for the United States.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CONSOLIDATED GOLDEN QUAIL
RESOURCES, LTD., BEVERLY
WIGGLESWORTH, and JAMES WAYNE
COLE,

Petitioners,

v.

UNITED STATES OF AMERICA, UNITED
STATES DEPARTMENT OF INTERIOR, and
BUREAU OF LAND MANAGEMENT,

Respondents.

Case No. 2:13-CV-00494-APG-PAL

JOINT MOTION TO ESTABLISH SCHEDULE FOR JUDICIAL REVIEW

1 Plaintiffs Consolidated Golden Quail Resources, Ltd., Beverly Wigglesworth, and James Wayne Cole,
2 and Defendants United States of America, United States Department of the Interior, and the Bureau of Land
3 Management, jointly move for entry of the following order pursuant to LR 16-1(c)(1), that:

4 This action is filed pursuant to and is governed by the Administrative Procedure Act, 5 U.S.C. §§ 701-
5 706, therefore:

6 1. Within thirty (30) days defendants shall file with the Court in non-electronic form
7 one copy of the administrative record for the decision in *Consolidated Golden Quail*
8 *Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL 4226885 (I.B.L.A.)(July 19,
9 2010),

10 2. Within thirty (30) days of the filing of the administrative record, Plaintiffs shall file any
11 request for supplementation of that record.

12 3. Within sixty (60) days of the filing of the administrative record, or the final
13 resolution of any request by Plaintiffs for supplementation of that record, Plaintiffs shall file
14 their principal brief, in the form of a motion for summary judgment,

15 3. Within sixty (60) days of the filing of Plaintiffs' brief, defendants shall file a brief in
16 opposition which will be deemed a cross-motion for summary judgment, and

17 4. Plaintiffs may file a reply to defendants' opposition no later thirty (30) days after
18 service of defendants' opposition.

19 5. The Scheduling and Case Management Conference set for September 24, 2013, (Docket No.
20 26) is cancelled.

21 In support of the above motion, Plaintiffs and Defendants show:

22 1. Plaintiffs in this action seek judicial review of the decision in *Consolidated Golden Quail*
23 *Resources, Ltd., et al. (On Judicial Remand)*, (IBLA 2010-47-1), 183 IBLA 250, 2013 WL 1282050
24 (I.B.L.A.)(March 14, 2013), that three unpatented mining claims owned by the plaintiffs were forfeited by
25 operation of 30 U.S.C. §28i for failure to pay by September 1, 2009, for assessment year 2010 the annual
26 maintenance fee (\$140) required by 30 U.S.C. § 28f for each of the three claims. Plaintiffs and defendants
27 agree that the scope of the Court's review of that decision is governed by 5 U.S.C. §§ 701-706, that no
28 discovery is required in this action, and that it may proceed on a review of the administrative record for the

1 decision in *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL
2 4226885 (I.B.L.A.)(July 19, 2010).

3 2. Given the schedule the parties have agreed upon above, there is no necessity for any scheduling and
4 planning conference in this action and the scheduling and planning conference currently scheduled for
5 September 24, 2013 (Docket No. 26) may be cancelled.

6 DATED this 23 day of September 2013.

7 Respectfully submitted,

8 DANIEL G. BOGDEN
9 United States Attorney

10 BLAINE T. WELSH
11 Assistant United States Attorney

12 /s/ Dean K. Dunsmore
13 DEAN K. DUNSMORE
14 Environment & Natural Resources Division
15 U.S. Department of Justice

16 Attorneys for the United States

17 /s/ Michael H. Singer
18 MICHAEL H. SINGER
19 Attorney for Plaintiffs

20 IT IS SO ORDERED:

21
22 
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: September 23, 2013
25
26
27
28

PROOF OF SERVICE

I, Dean K. Dunsmore, certify that the following individual was served with the JOINT MOTION TO ESTABLISH SCHEDULE FOR JUDICIAL REVIEW on this date by the following method of service"

Electronic Case Filing

Michael H. Singer, Esq.
Michael H. Singer, LTC
4475 S. Pecos Road
Las Vegas, Nevada 89121
702-454-2111 FAX 702-454-3333
msinger@mhsingerlaw.com
dhutchings@mhsingerlaw.com

Attorneys for Consolidated Golden Quail, Ltd.,
Beverly Wigglesworth, and James Wayne Cole

Dated this ____ day of September 2013.

Dean K. Dunsmore
Attorney for the United States